

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

**JAMES CHANEY & TAMELA)
CHANAY,)
Plaintiffs,)
vs.)
JP MORGAN CHASE BANK,)
N.A.,)
Defendant.)**

Civil Action No. CV-13-S-1284-NW

MEMORANDUM OPINION AND ORDER

Plaintiffs, James and Tamela Chaney, commenced this action in the Circuit Court of Colbert County, Alabama to enjoin defendant, JP Morgan Chase Bank, N.A., from foreclosing on their residence.¹ Circuit Court Judge Harold V. Hughston, Jr. entered a temporary restraining order restraining defendant from foreclosing on the residence on July 9, 2013.² Judge Hughston scheduled the hearing regarding the preliminary injunction for July 11, 2013.³ Prior to that date, on July 10, 2013, defendant removed the action to the Northern District of Alabama.⁴ The following day, the parties informed this court of the following developments:

¹ See doc. no. 1-1, at 3-6. Document number 1-1 actually contains several documents, one of which is the complaint filed in state court.

² *Id.* at 57-58.

³ *Id.* at 80.

⁴ See doc. no. 1 (Notice of Removal).

3. . . . Counsel for Plaintiff and counsel for Defendant have been conferring regarding potential resolution of the case.
4. Chase has agreed to maintain the status quo, and not to commence foreclosure proceedings during the pendency of this action.
5. In light of the removal, and Chase's agreement not to commence foreclosure proceedings, Plaintiff has filed a motion in the state court proceeding (copy attached as Exhibit A) acknowledging the removal and requesting the release of the bond posted by Plaintiff's counsel as a condition of issuance of the Temporary Restraining Order. The Circuit Court has now entered an Order (copy attached as Exhibit B) directing that the bond posted by counsel for Plaintiffs be refunded. Without commenting on the validity or effect of such Order, Defendant does not object to the release of the bond previously paid by Plaintiff, and the parties agree that the Temporary Restraining Order previously entered by the Circuit Court of Colbert County is due to be dissolved.⁵

The parties also expressed their belief:

that the temporary restraining order entered by the Circuit Court of Colbert County is due to be dissolved; that the parties have agreed to maintain the status quo and Chase has agreed not to commence foreclosure proceedings during the pendency of this action and that therefore no hearing is necessary on the motion for preliminary injunction; and that all proceedings in this matter should be stayed for a period of ninety (90) days to permit the parties to explore resolution of the disputes in this matter.⁶

Accordingly, it is ORDERED that: the temporary restraining order entered by the Circuit Court of Colbert County is dissolved; and, all proceedings in this matter should be stayed for a period of ninety (90) days.

⁵ Doc. no. 6 (Joint Submission Regarding Injunctive Relief), at 2.

⁶ *Id.* at 2-3.

DONE and ORDERED this 12th day of July, 2013.



United States District Judge